

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Cruz M. Ellis,

Civil 06-4573 JRT/FLN

Plaintiff,

v.

REPORT & RECOMMENDATION

Fleming Companies, Inc.,

Defendant.

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1. The complaint in this case was filed on November 21, 2006. When no answer was filed on behalf of defendant(s) or other appearance made within the time required by the rules, the court issued an order on April 10, 2007, which by its terms required plaintiff to take certain action.

2. To date, plaintiff has not complied with the terms of that order.

RECOMMENDATION

Based upon the foregoing, IT IS RECOMMENDED that the court issue an order dismissing this case for lack of prosecution.

DATED: May 3, 2007.

s/ Franklin L. Noel  
FRANKLIN L. NOEL  
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **May 22, 2007**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.